

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEMS
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

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IN THE MATTER OF:

PAMELA MAXEY
4239 ALPENHORN DR., NW APT. 2
COMSTOCK, MI 49507

Reg. No 2011-46182
Case No 100869755
Issue No: 1000; 3000
County: Kent

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing filed on September 30, 2011. After due notice, a telephone hearing was held February 7, 2012. Claimant, represented by her attorney Jay Kaplan, personally appeared and provided testimony.

Claimant is requesting a hearing on the issue of the department's failure to grant her "good cause" for not cooperating with the department in naming the biological father of her child, Tayber Maxey, for child support purposes. However, at the time Claimant filed the hearing request, she was in cooperation with the Office of Child Support and was currently receiving FAP and MA. Therefore, at the time this hearing request was submitted, no negative action had been taken by the department on Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) benefits.

Mich Admin Code, Rule 400.903 lays out instances where recipients of assistance have a right to an administrative hearing within the Michigan DHS. This rule specifies when an opportunity for a hearing shall be granted:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code, Rule 400.903(1).

At the time of Claimant's hearing request, the department had not taken any action to suspend, reduce, discontinue or terminate Claimant's FAP and MA benefits. Under the administrative rule discussed above, Claimant does not have a right to a hearing and thus, this Administrative Law Judge has no jurisdiction in this matter.

2011-46182/VLA

Claimant's hearing request is HEREBY DISMISSED for lack of jurisdiction.

It is SO ORDERED.

/s/_____

Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

VLA/ds

cc: PAMELA MAXEY
J. Kaplan ACLU
Kent County DHS
R. Trudell
M. Holden
K. Mardyla-Goddard
V. Armstrong
MAHS

Date Mailed: February 8, 2012